

REMARKS

Claims 1-12 remain pending in the application.

Claim 1 under 35 USC 112

Claim 1 was rejected under 35 USC 112, first paragraph. In particular, the Office Action alleged that claim 1 is subject to undue breadth because it contains a single step.

Claim 1 is amended herein to contain two steps. The Applicants respectfully request the rejection of claim 1 under 35 USC 112, first paragraph, be withdrawn.

Claims 10-12 under 35 USC 112

Claims 10 was rejected under 35 USC 112, second paragraph, as allegedly being indefinite. In particular, claim 10 is allegedly unclear for reciting “a second ringing signal” without claiming a first ringing signal. Claims 11 and 12 were rejected under 23 USC 112, second paragraph as being dependent on rejected claim 10. The Applicants respectfully disagree.

Claim 10 recites a telephone apparatus. Telephone apparatus receive ring signals. Thus, reciting “a silence detector detecting a silent interval following a second ringing signal” is clear in the context of telephone art as telephones are well known to receive one ring after another, i.e., a first ring signal followed by a second ring signal. The Applicants respectfully request the rejection of claims 10-12 under 35 USC 112, second paragraph, be withdrawn.

Claims 1, 4, 7 and 10 over Knuth in view of Goetcheus

In the Office Action, claims 1, 4, 7 and 10 were rejected under 35 U.S.C. §102(b) as allegedly being obvious over U.S. Patent No. 5,646,979 to Knuth (“Knuth”) in view of U.S. Patent No. 5,444,767 to Goetcheus et al. (“Goetcheus”). The Applicants respectfully traverse the rejection.

Claims 1, 4, 7 and 10 recite a method and system that introduces and receives over a telephone line a digitized version of an audio message

relating to a call from a calling telephone to a called telephone while a telephone line of the called telephone remains in an on-hook state.

The Examiner acknowledges that Knuth fails to disclose receiving a digitized version of a message (See Office Action, page 5). The Examiner relies on Goetcheus to allegedly make up for the deficiencies in Knuth to arrive at the claimed features. The Applicants respectfully disagree.

Goetcheus is relied on to disclose receiving a digitized version of an audio message on a telephone line at Fig. 1 and col. 3, lines 57-68 (See Office Action, page 5). However, the digitized version of the audio message is **NOT** disclosed as being introduced and received while the telephone line of a called telephone remains in an on-hook state, as recited by claims 1, 4, 7 and 10.

Knuth in view of Goetcheus fails to disclose or suggest a **digitized version of an audio message** relating to a call from a calling telephone being introduced and received to a called telephone while a telephone line of the called telephone remains in an on-hook state. In fact, the Examiner has **STILL** failed to provide a single reference that discloses or suggest a transfers **ANYTHING other than conventional Caller ID information** while a telephone line of a called telephone remains in an on-hook state, much less that introduces and receives over a telephone line a **digitized version of an audio message** relating to a call from a calling telephone to a called telephone while a telephone line of the called telephone remains in an on-hook state, as recited by claims 1, 4, 7 and 10.

Thus, even if it were obvious to modify Knuth with the disclosure of Goetcheus (which it is not as discussed below), the theoretical result would be a method and system that relies on **conventional Caller ID information** (Knuth) and the transfer of a voice message **AFTER** a telephone line of a called telephone goes off-hook. Knuth modified by Goetcheus fails to disclose or suggest the reception and introduction of a **digitized version of an audio message** while a a telephone line of a called telephone remains in an on-hook state, as recited by claims 1, 4, 7 and 10.

Moreover, modification of Knuth with Goetcheus is **nonsensical**. Knuth's invention is directed toward using audible announcements of

conventionally received Caller ID information. Goetcheus invention is directed toward transmitting a digitized message AFTER a telephone line of a called telephone goes off-hook. Knuth's invention is completely unrelated to Goetcheus' invention, with providing Knuth with the ability to transfer a digitized message after a telephone line of a called telephone goes off-hook would serve NO PURPOSE related to Knuth's invention of providing audible announcements of conventionally received Caller ID information.

A benefit of a method and system that introduces and receives over a telephone line a digitized version of an audio message relating to a call from a calling telephone to a called telephone while a telephone line of the called telephone remains in an on-hook state is, e.g., personalizing a message to a called party without the called party having to answer a telephone to hear. Conventional caller ID information only allows a called party to identify the telephone number and/or the name of the calling party. However, a digitized version of an audio message allows a personalized message to be conveyed to a called party, even while the called party is engaged in a phone conversation. A personalized message allows more information to be conveyed from a called party, such as the urgency of the call. A caller already engaged in a call receiving a digitized version of an audio message can make a more informed decision whether to answer and/or respond to the incoming call. The cited prior art fails to disclose or suggest the claimed features having such benefits.

For at least all the above reasons, claims 1, 4, 7 and 10 are patentable over the cited art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 2, 3, 5, 6, 8, 9, 11 and 12 over Knuth in view of Goetcheus and Guercio

In the Office Action, claims 2, 3, 5, 6, 8, 9, 11 and 12 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Knuth in view of Goetcheus, and further in view of U.S. Patent No. 6,373,925 to Guercio ("Guercio"). The Applicants respectfully traverse the rejection.

Claims 2, 3, 5, 6, 8, 9, 11 and 12 are dependent on claims 1, 4, 7 and 10 respectively, and are allowable for at least the same reasons as claims 1, 4, 7 and 10.

Claims 2, 3, 5, 6, 8, 9, 11 and 12 recite a method and system that introduces and receives over a telephone line a **digitized version of an audio message** relating to a call from a **calling telephone** to a called telephone while a telephone line of the called telephone remains in an on-hook state.

As discussed above, Knuth in view of Goetcheus fails to disclose or **suggest** a method and system that introduces and receives over a telephone line a **digitized version of an audio message** relating to a call from a **calling telephone** to a called telephone while a telephone line of the called telephone remains in an on-hook state, as respectively recited by claims 2, 3, 5, 6, 8, 9, 11 and 12.

The Office Action relies on Guercio to allegedly make up for the deficiencies in Knuth in view of Goetcheus to arrive at the claimed features. The Applicants respectfully disagree.

Guercio is relied on to disclose a signal identifying a calling party during a silent interval provided to a called telephone apparatus, whereby the called telephone apparatus is provided with Caller ID information in addition to an audio message (Office Action, page 7). The Applicants respectfully disagree.

Guercio discloses sending **only** conventional Caller ID information to a called telephone apparatus (See Abstract). The Caller ID information is used to look up a voice message associated with the Caller ID information stored in a table on the called telephone apparatus (See Knuth, Abstract). As the Examiner acknowledges Guercio discloses Caller ID information that is provided to a called party and an **associated** voice message is played (See Office Action,

page 5). Thus, **NO audio message** passes from a calling telephone to a called telephone while the called telephone is in an **on-hook state**, only conventional **caller ID information**. Guercio fails to disclose or **suggest** any type of **audio message** introduced to a called telephone while the called telephone remains in an **on-hook state**, much less a **digitized version of an audio message** relating to a call from a **calling telephone**, as recited by claims 2, 3, 5, 6, 8, 9, 11 and 12.

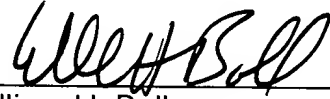
Thus, even if it were obvious to modify Knuth with the disclosure of Goetcheus and Guercio (which it is not as discussed above), the theoretical result would be a system and method that **only** sends **caller ID information to a called party** **NOT** a method and system that introduces and receives over a telephone line a **digitized version of an audio message** relating to a call from a **calling telephone** to a called telephone while a telephone line of the called telephone remains in an on-hook state, as respectively recited by claims 2, 3, 5, 6, 8, 9, 11 and 12.

For at least all the above reasons, claims 2, 3, 5, 6, 8, 9, 11 and 12 are patentable over the cited art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'William H. Bollman', written over a horizontal line.

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